



Foundation *Action*

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of the National Right to Work
Legal Defense Foundation, Inc.

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San Francisco Security Officer Battles Illegal SEIU Union Boss Discrimination

Case builds on Foundation wins for workers with religious objections to union affiliation

SAN FRANCISCO, CA – States like California that lack Right to Work laws grant immense powers to union bosses within their borders: They can legally have any employee fired under their monopoly control who refuses to pay dues to the union hierarchy.

However, thanks to the continuing successes of National Right to Work Foundation attorneys' cutting-edge legal actions, employees with sincere religious objections to union affiliation are entitled to a religious accommodation under Title VII of the Civil Rights Act of 1964 that permits them to stop funding a union. That applies even when other workers who do not have religious conflicts can be forced to pay up or be fired.

But Service Employees International Union (SEIU) bosses in San Francisco apparently can't be bothered with obeying the law.

SEIU Chiefs Ignored Legal Requirement to Accommodate Employee

Thomas Ross, a San Francisco-area security officer employed by Allied Universal Security Services, is receiving free legal representation from Foundation attorneys in his case charging the SEIU and his employer with forcing him to join and financially support the union -- after he told both parties his religious beliefs forbid union support.



Foundation-won precedents protect workers like Thomas Ross from forced dues, even in non-Right to Work states. But often, Foundation legal aid is needed to enforce those protections.

Ross is a Christian and opposes union affiliation on religious grounds. Under U.S. civil rights law, unions and employers are required to accommodate religious objections to union payments. Additionally, the National Labor Relations Act (NLRA) prohibits unions and employers from forcing employees to join a union.

Because the SEIU union's and Allied Universal's demands violate both statutes, Ross filed two sets of federal charges with Foundation aid. The charges will be investigated by the Equal Employment Opportunity Commission (EEOC) and National

Labor Relations Board (NLRB).

According to his EEOC discrimination charges, Ross informed both the SEIU union and Allied Universal when he was hired in 2020 that his religious beliefs forbid union membership. He also asked for a religious accommodation.

Union Bosses Issued Blatantly Illegal Compulsory Membership Demand

Not only did both SEIU and Allied Universal ignore Ross' request, but in July 2022, "Allied Universal . . . demanded that [he] sign a payroll deduction, join the union, and pay union dues."

On August 31, 2022, Ross reminded Allied Universal of his religious objection to paying union dues, but on September 15, 2022, Ross' "employer stated that union

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With Foundation Aid, Mayo Clinic Nurses Defeat Forced Union Dues Requirement

Nurses' ultimate goal is to end Steelworkers union bosses' so-called 'representation' completely

AUSTIN, MN – Nurses at the Mayo Clinic Health System in Austin, Minnesota, recently voted overwhelmingly in a deauthorization election to end the power of United Steelworkers (USW) union officials to require nurses to pay up or be fired. The workers filed the deauthorization petition with National Labor Relations Board (NLRB) Region 18 with free legal representation from National Right to Work Legal Defense Foundation staff attorneys.

We are so happy with the way the election turned out," Mayo Clinic Austin nurse Erin Krulish commented. "I think it really shows that all of us came together to show the union that we don't want to keep paying them when they are doing nothing for us."

Krulish filed the deauthorization petition for her coworkers seeking to end the so-called "union security clause" that authorizes USW union bosses to have nurses fired for refusing to financially support union activities. The request seeking the vote to end United Steelworkers union officials' forced-dues powers at Mayo Clinic Austin was signed by 49 of the 66 workers, well over



Austin, MN, Mayo nurse Erin Krulish and her coworkers hope to soon join Mankato, MN, Mayo nurses (above) in removing unwanted union "representation" from their facility.

the number required to trigger the NLRB-supervised election.

Ending Forced Dues Comes as Nurses Wait for Vote to Formally Remove Union

Minnesota is not a Right to Work state, meaning all workers in a unionized workplace can be required to pay dues or fees to a union as a condition of keeping their jobs. However, federal law does allow workers to hold deauthorization votes to end union officials' legal authority to force workers to "pay up or be fired," although winning such a vote can often be an uphill battle as independent workers have

to take on professional forced-dues-funded union organizers.

The overwhelming 49-17 vote against mandatory union payments came as the nurses wait for the opportunity to end USW officials' so-called "representation" at the facility completely, a process known as decertification. "We plan to decertify come next December when our contract is up and we are ready for another fight!" Krulish said following the deauthorization victory.

Currently, the non-statutory NLRB-invented "contract bar" doctrine blocks workers from holding a decertification vote to remove a union's monopoly representation powers for up to three years when a union boss-imposed contract is in effect. Consequently, a deauthorization vote, which isn't limited by the contract bar, was the nurses' only option. If the nurses at the Austin Mayo Clinic do decertify as they plan, they will join Minnesota nurses at Mayo Clinic Mankato and Mayo Clinic St. James who voted to oust union officials from their hospitals in the last six months.

"No worker anywhere should be forced under so-called union 'representation' they oppose," commented National Right to Work Foundation President Mark Mix. "So while we're pleased Ms. Krulish and her coworkers were victorious against the Steelworkers union, this case also shows why it is past time to end the NLRB-sanctioned 'contract bar' which traps workers in union ranks they oppose for years at a time."

"Ultimately, Minnesota needs a state Right to Work law to ensure that every individual worker has the freedom to decide whether or not to financially support a union, even those who can't overcome the hurdles required to successfully navigate the complicated deauthorization process," added Mix. ✚

Foundation Action

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The Foundation is a nonprofit, charitable organization providing free legal aid to employees whose human or civil rights have been violated by abuses of compulsory unionism. All contributions to the Foundation are tax deductible under Section 501(c)(3) of the Internal Revenue Code.

Northwest Ohio Employees File Suit to Knock Down Another *Janus* Restriction

Foundation-aided Ohio workers have already won string of victories over union-imposed ‘escape periods’

TOLEDO, OH – American Federation of State, County, and Municipal Employees (AFSCME) union bosses seem to have a knack for violating Ohio public workers’ First Amendment right to refrain from paying union dues.

Fortunately, National Right to Work Foundation staff attorneys are even more adept at forcing Ohio AFSCME bosses to back down from their unconstitutional dues schemes, and have led Ohio government workers to victory in several such cases.

The latest case in this saga comes from three Lucas County Job and Family Services (JFS) employees, who in December filed a federal civil rights lawsuit against the AFSCME Ohio Council 8 union and their employer for violating their constitutional rights.

Penny Wilson, Theresa Fannin, and Kozait Elkhatab’s lawsuit says AFSCME union officials illegally seized money from their paychecks in violation of their First Amendment rights as recognized in the landmark 2018 Foundation-won *Janus v. AFSCME* U.S. Supreme Court decision. The Ohio public employees are receiving free legal aid from the National Right to Work Foundation and the Ohio-based Buckeye Institute.

Union Officials Kept Employees in the Dark About *Janus* Freedoms

In *Janus*, the Court declared it a First Amendment violation to force public sector workers to pay union dues or fees as a condition of employment. The Court also ruled that union officials can only deduct money from the paycheck of a public sector employee who has voluntarily waived his or her *Janus* rights.

“Plaintiffs . . . file this suit to stop Lucas County JFS and AFSCME from seizing union payments from them without their consent and to



From left: Penny Wilson, Theresa Fannin, and Kozait Elkhatab aren’t taking AFSCME union officials’ onerous First Amendment restrictions sitting down. With free Foundation legal aid, they will continue the fight to protect Janus in Ohio.

receive compensation for violations of their First Amendment rights,” reads the workers’ complaint.

Officials from AFSCME Council 8 and Lucas County JFS enforce a policy which permits the direct deduction of union dues from employees’ paychecks. According to the policy, employees who wish to stop subsidizing the union have only a few days per year in which to do so -- an “escape period” that effectively forbids the exercise of their First Amendment *Janus* rights for more than 90 percent of the year.

AFSCME union officials never informed Wilson, Fannin, and Elkhatab of this restriction. Union officials also never told the women that they had a First Amendment right under *Janus* to abstain from dues deductions, or that union dues could only be taken from them if they waived that right.

The employees discovered their *Janus* rights and attempted to exercise those rights twice by sending letters to AFSCME union officials stating that they were ending their union memberships and terminating dues deductions. AFSCME union officials denied

all three women’s requests, stating that union dues deductions would continue because the letters missed the narrow “escape period” imposed by the union.

Wilson, Fannin, and Elkhatab’s lawsuit seeks to stop Lucas County JFS and AFSCME union officials from seizing dues from their paychecks. It also seeks a refund of all union dues taken from their wages without their consent.

Foundation *Janus* Victories Continue to Stack Up in Ohio

Independent-minded Ohio public employees are on a winning streak against AFSCME officials’ “escape period” arrangements. Foundation attorneys scored a significant victory for Ohio public servants’ *Janus* rights in a 2020 lawsuit against another Ohio AFSCME local (Council 11). Rather than face off against Foundation attorneys, those AFSCME union officials backed down and settled the case. As a result, Foundation attorneys freed almost 30,000 Ohio public employees from a “maintenance of



Giving the Gift of Freedom **Are You Prepared for Tax Season?**

Every day, National Right to Work Legal Defense Foundation staff attorneys work in the courts to defend freedom-loving workers across the country from the evils of coercive unionism. Only the generosity of our supporters makes this critical work possible!

With tax season looming, now is the time to review your and your family's tax matters for the year to come. By carefully considering the options below, you can minimize your tax liability while maximizing the impact of your tax-deductible gift to support your National Right to Work Legal Defense Foundation's mission.

Here are just a few examples of ways you can make a difference today:

1. Gifts of Cash (most popular way to receive a tax deduction in 2023);
2. Gifts of long-term Appreciated Stocks or other Securities (fair market value tax deduction plus no capital gains tax);
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As always, we encourage you to consult with your tax advisor or estate attorney before making a planned gift, will, or estate gift for you and your family.

For more information on giving options, please contact Ginny Smith at gms@nrtw.org, or 1-800-336-3600.

Illinois Security Officer Defends *Janus* Rights Amidst Union Discrimination

Union officials sought to coerce membership by preventing non-members from defending their jobs

CHICAGO, IL – The National Right to Work Foundation's landmark Supreme Court victory in *Janus v. AFSCME* was a milestone for public sector workers. For the first time, the Court recognized that every American public sector worker had the constitutional right to cut off dues to a union they oppose.

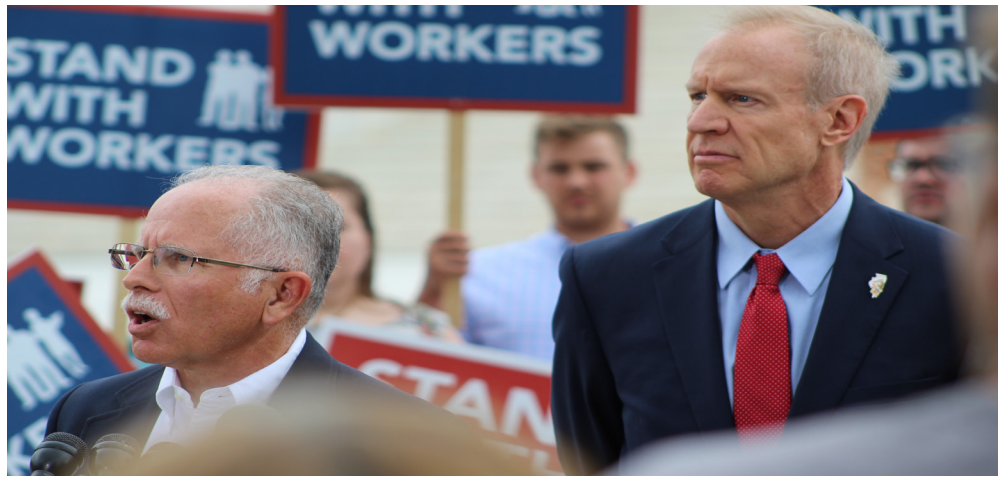
Even with this important First Amendment protection, however, union bosses unfortunately still wield an enormous amount of power over workers who have ended their affiliation with the union. Because of laws that authorize monopoly union "representation" in the public sector, union officials still have significant control over independent-minded employees' working conditions, pay, benefits, and more.

City of Chicago aviation security officer Chris Logan discovered just how painful Illinois Council of Police (ICOP) union bosses could make life for him after he exercised his *Janus* rights. In 2020, following a dispute about his job performance, Logan took action to protect his job under the terms of his employment contract, only to have union bosses exploit the opportunity to attack Logan. The union would not allow Logan to file a grievance to protect his job unless he joined the union.

Officer Challenges Discriminatory Grievance Scheme with Foundation Aid

"ICOP union officials basically tried to force me to join and pay dues to the union by making it impossible for me to defend my job otherwise," commented Logan. "I exercised my *Janus* rights and left the union because I didn't think that ICOP officials were good 'representatives' of me or my coworkers."

"Instead of trying to win back my support voluntarily, union bosses used their power to deprive me of



Foundation attorneys aided IL public employee Mark Janus (here with former IL Gov. Bruce Rauner, right) in his landmark First Amendment victory. But Foundation attorneys often must fight to enforce Janus rights, as in Chris Logan's case.

all options when I tried to defend my job -- I couldn't even file or arbitrate a grievance myself," Logan added. "In my mind, that simply confirms I made the right decision when I left this union."

However, with free legal representation from National Right to Work Legal Defense Foundation staff attorneys, Logan won a decision from the Illinois Labor Relations Board (ILRB) in late 2022 that decisively declared ICOP officials' "members only" grievance scheme illegally discriminatory against non-members.

Logan first exercised his *Janus* rights in October 2019, telling the union by letter that he no longer wished to pay union dues. Throughout 2020, Logan faced allegations about his job -- possibly instigated by union militants. Per the union monopoly agreement he was subjected to, he tried to get union officials to fulfill their role, as monopoly "representatives" of the workplace, to file grievances challenging the City of Chicago's disciplinary actions against him.

Union officials who maintain "monopoly bargaining power" in a workplace can legally impose their control over every worker, even those who have disaffiliated with the union. Because of this privilege, however, they are also

legally obligated not to discriminate against non-members when it comes to grievances or other matters. However, as Logan discovered, union officials regularly ignore this "duty of fair representation."

Union Officials Completely Ignored 'Fair Representation' Legal Obligation

ICOP union officials summarily rejected all of Logan's requests to file grievances, and even told him that he could not file grievances himself. At one point, after an ICOP union official sent Logan an email falsely claiming the union had no legal obligation to participate because Logan had exercised his *Janus* rights, the ICOP lawyer chimed in to tell Logan, "I concur. Good luck." The union stated it would not file grievances for Logan simply because he was a non-member.

Logan filed unfair labor practice charges against ICOP and the City of Chicago in August 2020, maintaining that the union's actions were illegal. An ILRB Administrative Law Judge agreed with Logan's charges in May

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Union bosses get away with things you or I wouldn't. Supreme Court should roll back special privileges

Mark Mix *Special to Fox News*

JANUARY 11, 2023

The United States Supreme Court recently heard arguments in *Glacier Northwest v. Teamsters Local 174* to review a Washington State Supreme Court ruling that grants union officials immunity from state lawsuits over deliberate property damage perpetrated during union strike actions.

While largely under the radar, the case could be a stealth blockbuster if the Justices use the opportunity to begin a more fundamental review of the myriad of double standards that shield unions and union officials from basic legal principles that apply to every other private organization and individual.

In the case, concrete company Glacier Northwest sued the Teamsters union for an estimated \$100,000 in property damage orchestrated by union officials during a 2017 strike. The Washington Supreme Court later blocked the lawsuit and sided with union bosses, finding that federal labor law releases them from liability because the damage was "inflicted through a strike as a legitimate bargaining tactic."

As flagrant as immunity from property damage lawsuits might seem, the exemption in Glacier is only the tip of the iceberg when it comes to special union boss legal privileges. As the National Right to Work Foundation argued in an amicus brief, the Justices should use the opportunity to reexamine the vast landscape of union-only legal carve-outs that harm businesses and individual workers alike.

On the issue of violence, courts have let union agents off the hook for acts for which any regular citizen would be held accountable. The controversial 1973 *US v. Enmons* Supreme Court decision immunized union officials from the federal Hobbs Anti-Extortion Act when their extortionate violence is used "to achieve legitimate union objectives."

A high-profile example of the kind of behavior Enmons permits occurred in 2014, when Teamsters militants slashed the tires of Top Chef TV show vehicles and threatened host Padma Lakshmi that they would "bash that pretty face in" because union officials were angry members weren't given production jobs on the show. A judge instructed jurors in the resulting case that, per Enmons, conviction should turn on whether those jobs were legitimate union objectives. The result? Not guilty.

Violence isn't the only thing union bosses get away with legally that others would not. The most fundamental power that unions wield – the ability to force unwilling workers under their monopoly

"representation" – lacks any parallel outside of labor law. Even convicted criminals can choose their own legal representative, yet union officials can deny workers the same choice in employment matters.

In the 2018 *Janus v. AFSCME* Supreme Court decision, Justice Samuel Alito acknowledged this, calling monopoly bargaining power in the public sector "a significant impingement on associational freedoms that would not be tolerated in other contexts."

In fact, Supreme Court skepticism of union officials' government-granted power to bind workers to contracts against their will goes back much further. In the 1944 *Steele v. Louisville & Nashville Railroad* case, the Supreme Court seemingly came close to striking down monopoly bargaining in the private sector. In that case, white railway union officials were using their bargaining powers to engage in blatant racial discrimination against black workers.

The Steele decision noted that organized labor has been granted "powers comparable to those of a legislative body both to create and restrict the rights of those it represents." Yet instead of striking down the federal law authorizing such powers and the resulting discrimination, the court attempted a compromise by conjuring an ambiguous "duty of fair representation" standard into the law. Purportedly, this standard means unions must act as employees' fiduciary, but it has been weakened to the point that often it boils down to: You can mistreat individual workers, but don't be too blatant.

Union loopholes to normal legal principles go on and on. For example, any first year law student knows that for a contract to be valid all parties must agree to its full terms. Yet, according to the National Labor Relations Board, even that isn't necessary for a union contract to trigger a non-statutory "contract bar" doctrine that then blocks workers from voting to remove unwanted union officials for up to three years. And what other private organization can have you fired just for not paying monthly dues?

The basic principle of equality under the law goes back to the Founders. Hopefully, Glacier Northwest will be the beginning of reapplying that concept to labor law, because for too long labor officials have played by a different set of rules.



For more on union boss special powers under scrutiny at the Supreme Court, watch Mark Mix's interview on One America News!

Scan the QR code to the right or visit <https://www.nrtw.org/mark-on-oan/>



Foundation Defends Rights of Religious Employees Against Union Boss Coercion Coast-to-Coast

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Last year was a banner year for workers of faith who sought free Foundation legal aid. Charlene Carter (left) and Dorothy Frame (right) both prevailed after facing discrimination for opposing union politics on religious grounds.

membership was compulsory and deducted union fees” from his paycheck without his consent. That is a clear violation of longstanding law, even for workers not seeking a religious accommodation.

Workers nationwide frequently turn to the National Right to Work Foundation for free legal aid when union chiefs snub their requests for religious accommodations or otherwise discriminate against them based on their religious beliefs. Last year, Foundation attorneys scored extraordinary victories for workers who faced union malfeasance after they resisted union affiliation on religious grounds.

Foundation Attorneys Notched Big Wins for Religious Freedom in 2022

In July 2022, Foundation staff attorneys won a multi-million-dollar jury verdict for Southwest flight attendant Charlene Carter, who had been ridiculed and later fired for voicing her religious opposition to the Transport Workers Union’s (TWU) political positions. Foundation attorneys also later won a federal court judgment for Carter,

in which the judge ordered that Carter be reinstated and given the maximum amount of compensatory and punitive damages permitted by federal law. “Bags fly free with Southwest,” began the decision. “But free speech didn’t fly at all with Southwest in this case.”

In March 2022, also with Foundation aid, Fort Campbell custodial worker Dorothy Frame won a settlement gaining a religious accommodation after Laborers International Union (LIUNA) officials unlawfully questioned her religious belief that she could not support the union’s political activities.

“The Foundation is proud to help working men and women who courageously stand up for their beliefs even in the midst of union coercion,” commented National Right to Work Foundation Vice President and Legal Director Raymond LaJeunesse. “However, it’s important to recognize that, regardless of whether an employee’s objection to union affiliation is religious or not, no American worker should ever be forced to subsidize union activities they oppose.” ✚

Ohio Workers Still Winning Battles Against Janus Restrictions

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membership” scheme that limited the exercise of *Janus* rights to roughly once every three years.

In fact, Wilson, Fannin, and Elkhatab’s suit isn’t the first time that Foundation attorneys have faced off against AFSCME Council 8 officials. In 2019, Foundation attorneys brought a similar First Amendment suit for seven Ohio employees that brought down another restrictive “escape period” enforced by Council 8 chiefs.

AFSCME Council 8 Officials Caught Red-Handed Again Violating First Amendment

“Even after abandoning other ‘escape period’ schemes to avoid facing Foundation staff attorneys in court, shameless AFSCME union officials continue to violate the *Janus* rights of the very employees they claim to ‘represent,’” commented National Right to Work Foundation Vice President Patrick Semmens. “America’s public workers should not have to file federal lawsuits to protect their money and their First Amendment rights from the predations of public sector union officials.” ✚

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Supporters can also email stories to:
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Illinois Employee Beats Anti-*Janus* Grievance Scheme

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2022, declaring that ICOP “violated [Illinois labor law] when its agents restrained or coerced the Charging Party in the exercise of rights . . . by threatening to deny the Charging Party equal representation in the disciplinary and grievance matters.” The ILRB later adopted this ruling, leading to Logan’s Foundation-won victory when union officials did not attempt to appeal the decision to Illinois state court.

Monopoly Bargaining Powers Open Door to Corruption

“Union bosses maintain unilateral control over workers under a ‘monopoly bargaining’ regime,” commented National Right to Work Foundation Vice President and Legal Director Raymond LaJeunesse. “For public sector workers across the country, *Janus* is the only check they can use against this power, and even then they could face retaliation for doing so.”

“Cases like Mr. Logan’s, where union bosses used their bargaining powers to discriminate against a worker who exercised *Janus* rights, ought to make our elected leaders reconsider how much privilege our laws grant unions,” LaJeunesse added. 🇺🇸

**National Right to Work
Legal Defense Foundation**

**Rated “A”
by CharityWatch**

Source: *Charity Rating Guide*
Winter 2022-2023
American Institute of Philanthropy



Message from Mark Mix

President
National Right to Work
Legal Defense Foundation

Dear Foundation Supporter,

This year marks the fifth anniversary of your Foundation’s landmark victory at the Supreme Court: *Janus v. AFSCME*. That historic win would never have been possible without your faithful support.

Backed up by the threat of Foundation litigation, the 2018 *Janus* decision almost immediately ended forced union fees for hundreds of thousands of public employees who were already not formal union members. That alone cut off billions in forced dues, but it was only the beginning of the efforts to enforce the historic First Amendment precedent.

That’s because, as you surely know as a dedicated Foundation supporter, union bosses almost never just sit by and accept limits on their coercive powers.

The fact is, even a major Supreme Court decision like *Janus* isn’t worth the paper it is printed on if not vigorously enforced. That’s why Foundation staff attorneys have already filed more than 50 *Janus* enforcement cases, with more being added all the time.

For example, despite Foundation lawsuits directly freeing tens of thousands of Buckeye State public workers from illegal restrictions on their *Janus* rights, we’re still being contacted by Ohioans (see page 3) who are trapped in mandatory dues payments in violation of their First Amendment rights.

And even workers who successfully exercise their *Janus* right to cut off dues can become the target of union retribution schemes. That’s exactly what happened to Chicago aviation security officer Chris Logan, whom you can read about on page 5.

Illinois union bosses attempted to make it easier for Logan to be fired solely because he had exercised his right under *Janus* not to fund union boss activities. Fortunately, Foundation legal aid successfully forced union bosses to abandon their illegal anti-*Janus* scheme.

Although victories like that are encouraging, that they are needed at all is a reminder of why support for the Foundation’s legal program is so necessary. Without it, workers would have nowhere to turn when defending their rights and paychecks against union greed and coercion.

Thank you for making this critical work possible.

Sincerely,